

**REMARKS**

Claims 21-29 and 33-45 are pending in the application. Claims 21-29 and 33-45 stand rejected in the referenced office action.

Independent claim 21 has been amended to address an antecedent problem raised by the Examiner and to clearly and distinctly claim that which the applicant believes to be the invention.

Claims 24 has been amended to correct a typographic error.

Claim 25 has been amended to clarify the claim language.

Claim 29 has been amended to clarify the claim language and address and antecedent problem.

Claims 33-35 have been canceled in the present document.

Claim 42 has been amended by changing its dependency to correct an antecedent problem.

Claim 44 has been amended to clarify the claim language and correct an antecedent problem.

Claim 45 has been amended to correct an antecedent problem.

No new matter has been added by the amendments. Reconsideration of the application as amended is respectfully requested. The Examiner's objections and rejections are addressed in substantially the same order as in the referenced office action.

#### **OBJECTIONS TO THE CLAIMS**

The Examiner has objected to claim 1 for an antecedent problem. Claim 1 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 24 due to a typographic error. Claim 24 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 25 for lack of clarity. Claim 25 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 29 for lack of clarity. Claim 29 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 33 as depending from a canceled claim. Claim 33 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 34 for an antecedent problem. Claim 34 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 42 for an antecedent problem. Claim 42 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 44 for an antecedent problem. Claim 44 has been amended in a manner that is believed to address the objection.

The Examiner has objected to claim 45 for an antecedent problem. Claim 45 has been amended in a manner that is believed to address the objection.

#### **OBVIOUSNESS TYPE DOUBLE PATENTING**

Claim 21 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over the claims of co-pending US Patent Application Ser. No. 10/373,365. A terminal disclaimer is being filed concurrently with this document to address this rejection,

#### **REJECTION UNDER 35 USC § 103**

Claims 21, 22 and 24-29 stand rejected under 35 USC § 103(a) as being unpatentable over *Wu* (RE 35,386) in view of *Kriegshauser* (US 6466872).

The present application is assigned to Baker Hughes Incorporated. The Assignment is recorded at Reel/Frame 016704/0473. The present application has a filing date of 4 April 2004. The present application is a divisional of US Application Ser. No. 10/214436 (the parent application) filed on August 7, 2002 with a priority claim to US 60/361570 filed on March 4, 2002, a priority claim as a CIP of US 09/922,393 filed on 3 August 2001.

*Kriegshauser* is assigned to the same assignee as the present application. *Kriegshauser* has an issue date of 15 October 2002. This is later than the filing date of the parent application and the provisional application to which the parent application has

a priority claim. *Kriegshauser* is thus a commonly owned, copending application with the present application and cannot be the basis of a rejection under 35 USC § 103. Accordingly, with the removal of *Kriegshauser* as a reference, applicant respectfully submits that claims 21, 22 and 24-29 are patentable under 35 USC over *Wu* and the prior art of record.

Claims 33-45 stand rejected under 34 USC §103 over *Wu* in view of *Kriegshauser* as applied to claim 21 and further in view of *Clark* (US6297639). Claims 33-35 have been canceled. Claims 36-45 are dependent upon claim 21 and are thus patentable under 35 USC §103 for the same reasons that claim 21 is patentable under 35 USC §103.

The Commissioner is hereby authorized to charge any fee and credit any overpayment associated with this response to Deposit Account No. 02-0429(414-15493-USD1).

Respectfully submitted,



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